

REMARKS

This is a simultaneous amendment with a request for continued examination filed under 37 C.F.R. 1.114 in response to the Notice of Allowance issued on November 3, 2008.

I. ALLOWED CLAIMS 11 TO 16

Allowance of claim 11 to 16 is gratefully acknowledged. Furthermore applicants agree with the reasons for allowance of claims 11 to 16 presented on pages 2 to 4 of the Notice of Allowance.

However independent claim 16, which claims the independent hair cutting machine of the invention, contains the limitation that the positive inclination angle of the cutting plane with the longitudinal axis 24 is adjustable. This adjustability limitation is unnecessary to obtain allowance of independent claim 16 according to the reasons for allowance in the Office Action and according to the argumentation presented in the amendment filed on September 11, 2008.

Accordingly this simultaneous amendment with RCE has been filed to obtain broader patent claim coverage than is currently provided by claim 16. The amended claim 16 has been changed by deleting the limitation that the inclination angle of the cutting plane with respect to the longitudinal axis is adjustable. The

basis for this change is found in the canceled originally filed claim 1, which was not limited to an inclination angle that is adjustable.

The term "downward" was also deleted from claim 16. The meaning of this term can only be established by reference to applicants' fig. 7 and refers to a direction on the drawing sheet, not a well-defined direction in the actual machine. For that reason and because it appears to be unnecessary it has been deleted from claim 16.

In addition, dependent claims 11 to 13 have been replaced by new dependent claims 17 to 19. Claims 17 to 19 maintain antecedent basis for the term "positive inclination angle" and are more concise than the canceled claims 11 to 13.

New dependent claim 20 contains subject matter from canceled claim 14. Claim 20 however has been rewritten to state that the hair cutting machine further comprises the cutter head. The cutter head to be interchangeable should probably include other parts besides the two cutting blades 18 and 20 and the new claim 20 reflects this possibility. Furthermore fig. 5 shows an embodiment of the hair cutting machine of the invention in which the cutter head 16 includes another part, namely the flat covering 56, which prevents accumulation of cut hair strands on the oscillating blade 20 (see the last paragraph on the last page of the originally filed specification).

Dependent claim 21 limits the cutter head of claim 20 to an embodiment that includes the flat covering 56.

Dependent claim 22 covers embodiments limited to an adjustable positive inclination angle between the oscillating blade 20 and the longitudinal axis 24.

However claim 16 covers some embodiments in which the inclination angle is fixed in the manufactured hair cutting machine, since it is not limited to an adjustable inclination angle.

II. REASONS FOR ALLOWANCE OF AMENDED CLAIM 16

The reasons for allowance of the amended claim 16 and the claims dependent on it are the same as the reasons for allowing claim 16 without the above changes.

Particularly quoting from pages 3 and 4 of the Notice of Allowance:

“While Abraham and Hildebrandt are considered combinable, neither reference teaches an opening in the stationary blade for the drive unit to pass through to oscillate the oscillating blade. However, it has been held previously that there would be no invention in the shifting of the location of parts if the operation of the device would not thereby be modified. The added structure of the opening in the inner stationary blade through provides a structure that is not readily apparent or obvious when shifting parts. Adding the opening to the device of Abraham would be improper hindsight.”

Furthermore if there is no opening for drive connection means in the stationary blade, the oscillating blade must be located between the drive motor and the stationary blade in conventional haircutting machines, such as the hair cutting machine of Hildebrandt. The opening in the stationary blade permits one to use an

arrangement of the cutting blades and motor like that of Hildebrandt, except that the stationary blade is located between the oscillating blade and the drive unit with the motor.

The following quotation from the REMARKS section in the amendment of September 11, 2008 provides the reason that the above change in the relation of the parts also does modify the operation of the device:

“The applicants’ haircutting machine of claim 16 provides a better quality of haircutting than that of Hildebrandt because most of the outer flat surface of the oscillating blade 20 can be brought into physical contact with hairs that are about to be cut for reasons explained more fully herein below.”

See page 5 and following of the REMARKS section of the amendment of September 11, 2008 for a more complete explanation of the advantages of the applicants’ arrangement.

Since Hildebrandt teaches the opposite from the applicants’ arrangement of the blades in relation to the drive unit or handle, Hildebrandt cannot be combined with Abraham to reject the claimed invention (M.P.E.P. 2145 X).

III. REPLACEMENT DRAWING SHEETS


Please accept the accompanying formal drawings prepared by a patent draftsman, which replace the formerly filed drawings. Approval of the drawings is respectfully requested.

Should the Examiner require or consider it advisable that the specification,

claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549-4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", with a long horizontal flourish extending to the right.

Attorney for the Applicants

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